



Sen. William R. Haine

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LRB095 19161 HLH 47710 a

1 AMENDMENT TO SENATE BILL 2052

2 AMENDMENT NO. _____. Amend Senate Bill 2052 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Flood
5 Prevention District Act.

6 Section 5. Creation; purpose.

7 (a) The counties of Madison, Monroe, and St. Clair may be
8 designated as flood prevention districts for the purpose of
9 performing emergency levee repair and flood prevention in order
10 to prevent the loss of life or property. The county board of
11 any such county may declare an emergency and create a flood
12 prevention district by the affirmative vote of the majority of
13 the members of the county board.

14 (b) Two or more flood prevention districts may join
15 together through an intergovernmental agreement, pursuant to
16 the Intergovernmental Cooperation Act.

1 (c) Any district created under this Act shall be dissolved
2 upon the later of (i) 25 years after the date the district is
3 created or (ii) the payment of all obligations of the district
4 under Section 20 of this Act and any federal reimbursement
5 moneys to the county treasurer under Section 30 of this Act. A
6 district may be dissolved earlier if all federal reimbursement
7 moneys have been paid to the county treasurer and all
8 obligations of the district have been paid, including its
9 obligations related to bonds issued under Section 20 of this
10 Act and any obligations incurred pursuant to an
11 intergovernmental agreement.

12 Section 10. Commissioners.

13 The affairs of the district shall be managed by a board of
14 3 commissioners who shall be appointed by the chairman of the
15 county board of the county in which the district is situated.
16 All initial appointments under this Section must be made within
17 90 days after the district is organized. Of the initial
18 appointments, one commissioner shall serve for a one-year term,
19 one commissioner shall serve for a 2-year term, and one
20 commissioner shall serve for a 3-year term, as determined by
21 lot. Their successors shall be appointed for 3-year terms. No
22 commissioner may serve for more than 20 years. All appointments
23 must be made so that no more than 2 commissioners are from the
24 same political party at the time of the appointment. With
25 respect to appointments representing the minority party in the

1 county, the minority party members of the county board may
2 submit names for consideration to the chairman of the county
3 board. Each commissioner must be a legal voter in the district.
4 Commissioners shall serve without compensation, but may be
5 reimbursed for reasonable expenses incurred in the performance
6 of their duties.

7 Section 20. Powers of the district. A district formed under
8 this Act shall have the following powers:

9 (1) To sue or be sued.

10 (2) To apply for and accept gifts, grants, and loans
11 from any public agency or private entity.

12 (3) To enter into intergovernmental agreements to
13 further ensure levee repair, levee construction or
14 reconstruction, and flood prevention, including agreements
15 with the United States Army Corps of Engineers or any other
16 agency or department of the federal government.

17 (4) To undertake evaluation, planning, design,
18 construction, and related activities that are determined
19 to be urgently needed to stabilize, repair, restore,
20 improve, or replace existing levees and other flood control
21 systems.

22 (5) To address underseepage problems and old and
23 deteriorating pumps, gates, pipes, electrical controls,
24 and other infrastructure.

25 (6) To conduct urgently needed evaluations of levees

1 and other flood control facilities that protect urban
2 areas, including the performance of floodplain mapping
3 studies.

4 (7) To provide capital moneys for levee or
5 river-related scientific studies, including the
6 construction of facilities for such purposes.

7 (8) To borrow money or receive money from the United
8 States Government or any agency thereof, or from any other
9 public or private source, for the purposes of the District.

10 (9) To enter into agreements with private property
11 owners.

12 (10) To issue revenue bonds, payable from revenue
13 received from a retailers' occupation tax imposed under
14 Section 25 of this Act. These bonds may be issued with
15 maturities not exceeding 25 years from the date of the
16 bonds, and in such amounts as may be necessary to provide
17 sufficient funds, together with interest, for the purposes
18 of the District. These bonds shall bear interest at a rate
19 of not more than the maximum rate authorized by the Bond
20 Authorization Act, as amended at the time of the making of
21 the contract of sale, payable semi-annually, may be made
22 registerable as to principal, and may be made payable and
23 callable as provided on any date at a price of par and
24 accrued interest under such terms and conditions as may be
25 fixed by the ordinance authorizing the issuance of the
26 bonds. Bonds issued under this Section are negotiable

1 instruments. In case any officer whose signature appears on
2 the bonds or coupons ceases to hold that office before the
3 bonds are delivered, such officer's signature, shall
4 nevertheless be valid and sufficient for all purposes, the
5 same as though such officer had remained in office until
6 the bonds were delivered. The bonds shall be sold in such
7 manner and upon such terms as the board of commissioners
8 shall determine, except that the selling price shall be
9 such that the interest cost to the District of the proceeds
10 of the bonds shall not exceed the maximum rate authorized
11 by the Bond Authorization Act, as amended at the time of
12 the making of the contract of sale, payable semi-annually,
13 computed to maturity according to the standard table of
14 bond values. A request to issue revenue bonds by the
15 Commission must be submitted for approval to the county
16 board of the county in which the district is situated. The
17 county board has 30 calendar days to approve the issuance
18 of such bonds. If the county board does not approve or
19 disapprove the issuance of the bonds within 30 calendar
20 days after the receipt of such request, the request shall
21 be deemed approved.

22 (11) To acquire property by gift, grant, or eminent
23 domain, in accordance with the Eminent Domain Act. Any
24 action by the District to acquire property by eminent
25 domain requires the express approval of the county board.

26 (12) To retain professional staff to carry out the

1 functions of the District. Any flood prevention district
2 shall employ a Chief Supervisor of Construction and the
3 Works with appropriate professional qualifications,
4 including a degree in engineering, construction,
5 hydrology, or a related field, or an equivalent combination
6 of education and experience. The Chief Supervisor of
7 Construction and the Works shall be vested with the
8 authority to carry out the duties and mission of the Flood
9 Prevention District, pursuant to the direction and
10 supervision of the Board of Commissioners. The Chief
11 Supervisor of Construction and the Works may hire
12 additional staff as necessary to carry out the duties and
13 mission of the district, including administrative support
14 personnel. Two or more districts may, through an
15 intergovernmental agreement, share the services of a Chief
16 Supervisor of Construction and the Works, support staff, or
17 both. If 2 districts are adjoining and share a common
18 federal levee, they must retain the services of the same
19 person as Chief Supervisor of Construction and the Works.

20 (13) To conduct an audit of any drainage, levee, or
21 sanitary district within the territory of the flood
22 prevention district.

23 Section 25. Retailers' occupation tax.

24 (a) If the Board of a flood prevention district determines
25 that an emergency situation exists regarding levee repair or

1 flood prevention, and upon an ordinance or resolution adopted
2 by the affirmative vote of a majority of the members of the
3 county board of the county in which the district is situated,
4 it may impose a retailers' occupation tax upon all persons
5 engaged in the business of selling tangible personal property
6 at retail within the territory of the district for a period not
7 to exceed 25 years or as required to repay the bonds issued
8 pursuant to Section 20 of this Act. The tax rate shall be 0.25%
9 of the gross receipts from all taxable sales made in the course
10 of that business. The tax imposed under this Section and all
11 civil penalties that may be assessed as an incident thereof
12 shall be collected and enforced by the State Department of
13 Revenue. The Department shall have full power to administer and
14 enforce this Section; to collect all taxes and penalties so
15 collected in the manner hereinafter provided; and to determine
16 all rights to credit memoranda arising on account of the
17 erroneous payment of tax or penalty hereunder.

18 In the administration of and compliance with this
19 subsection, the Department and persons who are subject to this
20 subsection (i) have the same rights, remedies, privileges,
21 immunities, powers, and duties, (ii) are subject to the same
22 conditions, restrictions, limitations, penalties, and
23 definitions of terms, and (iii) shall employ the same modes of
24 procedure as are set forth in Sections 1 through 1o, 2 through
25 2-70 (in respect to all provisions contained in those Sections
26 other than the State rate of tax), 2a through 2h, 3 (except as

1 to the disposition of taxes and penalties collected), 4, 5, 5a,
2 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10,
3 11, 11a, 12, and 13 of the Retailers' Occupation Tax Act and
4 all provisions of the Uniform Penalty and Interest Act as if
5 those provisions were set forth in this subsection.

6 Persons subject to any tax imposed under this Section may
7 reimburse themselves for their seller's tax liability
8 hereunder by separately stating the tax as an additional
9 charge, which charge may be stated in combination in a single
10 amount with State taxes that sellers are required to collect
11 under the Use Tax Act, under any bracket schedules the
12 Department may prescribe.

13 If a tax is imposed under this subsection (a), a tax shall
14 also be imposed under subsection (b) of this Section.

15 (b) If a tax has been imposed under subsection (a), a
16 service occupation tax shall also be imposed upon all persons
17 within the territory of the district engaged in the business of
18 making sales of service, who, as an incident to making the
19 sales of service, transfer tangible personal property within
20 the territory of the district, either in the form of tangible
21 personal property or in the form of real estate as an incident
22 to a sale of service. The tax rate shall be 0.25% of the
23 selling price of all tangible personal property transferred.

24 The tax imposed under this subsection and all civil
25 penalties that may be assessed as an incident thereof shall be
26 collected and enforced by the State Department of Revenue. The

1 Department shall have full power to administer and enforce this
2 subsection; to collect all taxes and penalties due hereunder;
3 to dispose of taxes and penalties collected in the manner
4 hereinafter provided; and to determine all rights to credit
5 memoranda arising on account of the erroneous payment of tax or
6 penalty hereunder.

7 In the administration of and compliance with this
8 subsection, the Department and persons who are subject to this
9 subsection (i) have the same rights, remedies, privileges,
10 immunities, powers, and duties, (ii) be subject to the same
11 conditions, restrictions, limitations, penalties, and
12 definitions of terms, and (iii) employ the same modes of
13 procedure as are set forth in Sections 2 (except that that
14 reference to State in the definition of supplier maintaining a
15 place of business in this State means the district), 2a through
16 2d, 3 through 3-50 (in respect to all provisions contained in
17 those Sections other than the State rate of tax), 4 (except
18 that the reference to the State shall be to the district), 5,
19 7, 8 (except that the jurisdiction to which the tax is a debt
20 to the extent indicated in that Section 8 is the district), 9
21 (except as to the disposition of taxes and penalties
22 collected), 10, 11, 12 (except the reference therein to Section
23 2b of the Retailers' Occupation Tax Act), 13 (except that any
24 reference to the State means the district), Section 15, 16, 17,
25 18, 19, and 20 of the Service Occupation Tax Act and all
26 provisions of the Uniform Penalty and Interest Act, as fully as

1 if those provisions were set forth herein.

2 Persons subject to any tax imposed under the authority
3 granted in this subsection may reimburse themselves for their
4 serviceman's tax liability hereunder by separately stating the
5 tax as an additional charge, that charge may be stated in
6 combination in a single amount with State tax that servicemen
7 are authorized to collect under the Service Use Tax Act, under
8 any bracket schedules the Department may prescribe.

9 (c) This additional tax may not be imposed on personal
10 property titled or registered with an agency of the State; food
11 for human consumption that is to be consumed off the premises
12 where it is sold (other than alcoholic beverages, soft drinks,
13 and food that has been prepared for immediate consumption);
14 prescription and non-prescription medicines, drugs, and
15 medical appliances; or insulin, urine testing materials, and
16 syringes and needles used by diabetics.

17 (d) Nothing in this Section shall be construed to authorize
18 the district to impose a tax upon the privilege of engaging in
19 any business that under the Constitution of the United States
20 may not be made the subject of taxation by the State.

21 (e) The certificate of registration that is issued by the
22 Department to a retailer under the Retailers' Occupation Tax
23 Act or a serviceman under the Service Occupation Tax Act
24 permits the retailer or serviceman to engage in a business that
25 is taxable without registering separately with the Department
26 under an ordinance or resolution under this Section.

1 (f) The Department shall immediately pay over to the State
2 Treasurer, ex officio, as trustee, all taxes and penalties
3 collected under this Section to be deposited into the Flood
4 Prevention Occupation Tax Fund, which shall be an
5 unappropriated trust fund held outside the State treasury.

6 On or before the 25th day of each calendar month, the
7 Department shall prepare and certify to the Comptroller that
8 disbursement of stated sums of money to the counties from which
9 retailers or servicemen have paid taxes or penalties to the
10 Department during the second preceding calendar month. The
11 amount to be paid to each county is equal to the amount (not
12 including credit memoranda) collected from the county under
13 this Section during the second preceding calendar month by the
14 Department, (i) less 2% of that amount, which shall be
15 deposited into the Tax Compliance and Administration Fund and
16 shall be used by the Department in administering and enforcing
17 the provisions of this Section on behalf of the county, (ii)
18 plus an amount that the Department determines is necessary to
19 offset any amounts that were erroneously paid to a different
20 taxing body; (iii) less an amount equal to the amount of
21 refunds made during the second preceding calendar month by the
22 Department on behalf of the county; and (iv) less any amount
23 that the Department determines is necessary to offset any
24 amounts that were payable to a different taxing body but were
25 erroneously paid to the county. When certifying the amount of a
26 monthly disbursement to a county under this Section, the

1 Department shall increase or decrease the amounts by an amount
2 necessary to offset any miscalculation of previous
3 disbursements within the previous 6 months from the time a
4 miscalculation is discovered.

5 Within 10 days after receipt by the Comptroller from the
6 Department of the disbursement certification to the counties
7 provided for in this Section, the Comptroller shall cause the
8 orders to be drawn for the respective amounts in accordance
9 with directions contained in the certification.

10 If the Department determines that a refund should be made
11 under this Section to a claimant instead of issuing a credit
12 memorandum, then the Department shall notify the Comptroller,
13 who shall cause the order to be drawn for the amount specified
14 and to the person named in the notification from the
15 Department. The refund shall be paid by the Treasurer out of
16 the Flood Prevention Occupation Tax Fund.

17 (g) If a flood prevention district board imposes a tax
18 under this Section, then the board shall, by ordinance,
19 discontinue the tax upon the payment of all bonded indebtedness
20 of the District.

21 (h) Any ordinance imposing the tax under this Section, or
22 any ordinance that discontinues the tax, must be certified by
23 the county clerk and filed with the Illinois Department of
24 Revenue either (i) on or before the first day of April,
25 whereupon the Department shall proceed to administer and
26 enforce the tax or change in the rate as of the first day of

1 July next following the filing; or (ii) on or before the first
2 day of October, whereupon the Department shall proceed to
3 administer and enforce the tax or change in the rate as of the
4 first day of January next following the filing.

5 (j) This Section may be cited as the Flood Prevention
6 Occupation Tax Law.

7 Section 30. Disbursement of federal funds.

8 (a) Any reimbursements for the construction of flood
9 protection facilities shall be appropriated to each county
10 flood prevention district in accordance with the location of
11 the specific facility for which the federal appropriation is
12 made.

13 (b) If there are federal reimbursements to a county flood
14 prevention district for construction of flood protection
15 facilities that were built using revenues authorized by this
16 Act, those funds shall be used for early retirement of bonds
17 issued in accordance with this Act.

18 (c) When all bond obligations of the District have been
19 paid, any remaining federal reimbursement moneys shall be
20 remitted to the county treasurer for deposit into a special
21 fund for the continued long-term maintenance of federal levees
22 and flood protection facilities, pursuant to the direction of
23 the county board.

24 Section 35. Financial audit of the Commission. A financial

1 audit of the Commission shall be conducted annually by a
2 certified public accountant (CPA) that is licensed at the time
3 of the audit by the Illinois Department of Financial and
4 Professional Regulation. The CPA shall meet all of the general
5 standards concerning qualifications, independence, due
6 professional care, and quality control as required by the
7 Government Auditing Standards, 1994 Revision, Chapter 3,
8 including the requirements for continuing professional
9 education and external peer review. The financial audit is to
10 be performed in accordance with generally accepted auditing
11 standards issued by the American Institute of Certified Public
12 Accountants (AICPA) for field work and reporting, generally
13 accepted government auditing standards (GAGAS) and AICPA
14 Statements on Auditing Standards (SAS) current at the time the
15 audit is commenced. The audit shall be made publicly available
16 and sent to the county board chairman of the county in which
17 the district is situated and to the Illinois Secretary of
18 State.

19 Section 40. Budget of the Commission. The Commission shall
20 adopt an annual budget by August 31 of each year for the fiscal
21 year beginning October 1. Such budget shall include expected
22 revenues by source and expenditures by project or by function
23 for the following year. The budget must be approved by the
24 county board of the county in which the district is situated
25 prior to any expenditure by the Commission for the fiscal year

1 beginning October 1. The county board must approve or
2 disapprove the budget of the commission within 30 calendar days
3 after the budget is received by the county board. If the county
4 board does not act to approve or disapprove the budget within
5 30 calendar days of receipt, it shall stand as approved.

6 In addition, the Commission shall submit an annual report
7 to the county board by August 31 of each year detailing the
8 activities of the district. This report must also include any
9 information submitted to the flood prevention district by a
10 drainage, levee, or sanitary district in accordance with
11 Section 4-45 of the Illinois Drainage Code or Section 2-2 of
12 the Metro-East Sanitary District Act.

13 Section 45. Procurement. The Commission shall conduct all
14 procurements in accordance with the requirements of the Local
15 Government Professional Services Selection Act and any
16 competitive bid requirements contained in Section 5-1022 of the
17 Counties Code.

18 Section 50. Contracts for construction. A request for any
19 construction contract of more than \$10,000 by the Commission
20 must be submitted for approval to the county board of the
21 county in which the district is situated. The county board has
22 30 calendar days to approve the construction contract. If the
23 county board does not approve or disapprove the construction
24 contract within 30 calendar days after the receipt of such

1 request, the request shall be deemed approved.

2 Section 60. The Intergovernmental Cooperation Act is
3 amended by adding Section 3.9 as follows:

4 (5 ILCS 220/3.9 new)

5 Sec. 3.9. Flood prevention. Two or more county flood
6 prevention districts may enter into an intergovernmental
7 agreement to provide any services authorized in the Flood
8 Prevention District Act.

9 Section 70. The Illinois Governmental Ethics Act is amended
10 by changing Section 4A-101 as follows:

11 (5 ILCS 420/4A-101) (from Ch. 127, par. 604A-101)

12 Sec. 4A-101. Persons required to file. The following
13 persons shall file verified written statements of economic
14 interests, as provided in this Article:

15 (a) Members of the General Assembly and candidates for
16 nomination or election to the General Assembly.

17 (b) Persons holding an elected office in the Executive
18 Branch of this State, and candidates for nomination or
19 election to these offices.

20 (c) Members of a Commission or Board created by the
21 Illinois Constitution, and candidates for nomination or
22 election to such Commission or Board.

1 (d) Persons whose appointment to office is subject to
2 confirmation by the Senate.

3 (e) Holders of, and candidates for nomination or
4 election to, the office of judge or associate judge of the
5 Circuit Court and the office of judge of the Appellate or
6 Supreme Court.

7 (f) Persons who are employed by any branch, agency,
8 authority or board of the government of this State,
9 including but not limited to, the Illinois State Toll
10 Highway Authority, the Illinois Housing Development
11 Authority, the Illinois Community College Board, and
12 institutions under the jurisdiction of the Board of
13 Trustees of the University of Illinois, Board of Trustees
14 of Southern Illinois University, Board of Trustees of
15 Chicago State University, Board of Trustees of Eastern
16 Illinois University, Board of Trustees of Governor's State
17 University, Board of Trustees of Illinois State
18 University, Board of Trustees of Northeastern Illinois
19 University, Board of Trustees of Northern Illinois
20 University, Board of Trustees of Western Illinois
21 University, or Board of Trustees of the Illinois
22 Mathematics and Science Academy, and are compensated for
23 services as employees and not as independent contractors
24 and who:

25 (1) are, or function as, the head of a department,
26 commission, board, division, bureau, authority or

1 other administrative unit within the government of
2 this State, or who exercise similar authority within
3 the government of this State;

4 (2) have direct supervisory authority over, or
5 direct responsibility for the formulation,
6 negotiation, issuance or execution of contracts
7 entered into by the State in the amount of \$5,000 or
8 more;

9 (3) have authority for the issuance or
10 promulgation of rules and regulations within areas
11 under the authority of the State;

12 (4) have authority for the approval of
13 professional licenses;

14 (5) have responsibility with respect to the
15 financial inspection of regulated nongovernmental
16 entities;

17 (6) adjudicate, arbitrate, or decide any judicial
18 or administrative proceeding, or review the
19 adjudication, arbitration or decision of any judicial
20 or administrative proceeding within the authority of
21 the State;

22 (7) have supervisory responsibility for 20 or more
23 employees of the State; or

24 (8) negotiate, assign, authorize, or grant naming
25 rights or sponsorship rights regarding any property or
26 asset of the State, whether real, personal, tangible,

1 or intangible.

2 (g) Persons who are elected to office in a unit of
3 local government, and candidates for nomination or
4 election to that office, including regional
5 superintendents of school districts.

6 (h) Persons appointed to the governing board of a unit
7 of local government, or of a special district, and persons
8 appointed to a zoning board, or zoning board of appeals, or
9 to a regional, county, or municipal plan commission, or to
10 a board of review of any county, and persons appointed to
11 the Board of the Metropolitan Pier and Exposition Authority
12 and any Trustee appointed under Section 22 of the
13 Metropolitan Pier and Exposition Authority Act, and
14 persons appointed to a board or commission of a unit of
15 local government who have authority to authorize the
16 expenditure of public funds. This subsection does not apply
17 to members of boards or commissions who function in an
18 advisory capacity.

19 (i) Persons who are employed by a unit of local
20 government and are compensated for services as employees
21 and not as independent contractors and who:

22 (1) are, or function as, the head of a department,
23 division, bureau, authority or other administrative
24 unit within the unit of local government, or who
25 exercise similar authority within the unit of local
26 government;

1 (2) have direct supervisory authority over, or
2 direct responsibility for the formulation,
3 negotiation, issuance or execution of contracts
4 entered into by the unit of local government in the
5 amount of \$1,000 or greater;

6 (3) have authority to approve licenses and permits
7 by the unit of local government; this item does not
8 include employees who function in a ministerial
9 capacity;

10 (4) adjudicate, arbitrate, or decide any judicial
11 or administrative proceeding, or review the
12 adjudication, arbitration or decision of any judicial
13 or administrative proceeding within the authority of
14 the unit of local government;

15 (5) have authority to issue or promulgate rules and
16 regulations within areas under the authority of the
17 unit of local government; or

18 (6) have supervisory responsibility for 20 or more
19 employees of the unit of local government.

20 (j) Persons on the Board of Trustees of the Illinois
21 Mathematics and Science Academy.

22 (k) Persons employed by a school district in positions
23 that require that person to hold an administrative or a
24 chief school business official endorsement.

25 (l) Special government agents. A "special government
26 agent" is a person who is directed, retained, designated,

1 appointed, or employed, with or without compensation, by or
2 on behalf of a statewide executive branch constitutional
3 officer to make an ex parte communication under Section
4 5-50 of the State Officials and Employees Ethics Act or
5 Section 5-165 of the Illinois Administrative Procedure
6 Act.

7 (m) Members of the board of commissioners of any flood
8 prevention district.

9 This Section shall not be construed to prevent any unit of
10 local government from enacting financial disclosure
11 requirements that mandate more information than required by
12 this Act.

13 (Source: P.A. 93-617, eff. 12-9-03; 93-816, eff. 7-27-04.)

14 Section 75. The Illinois Drainage Code is amended by adding
15 Section 4-45 as follows:

16 (70 ILCS 605/4-45 new)

17 Sec. 4-45. Flood prevention districts; reporting
18 requirement; control. If a flood prevention district has been
19 formed under the Flood Prevention District Act, the flood
20 prevention district shall have the exclusive authority to
21 repair, construct, or reconstruct levees within the territory
22 of the flood prevention district. If any part of the territory
23 of a drainage district, levee district, or sanitary district
24 overlaps with the territory of a flood prevention district, the

1 drainage district, levee district, or sanitary district shall
2 operate under the direction of the board of commissioners of
3 the flood prevention district with respect to the repair,
4 construction, or reconstruction of levees. In addition, the
5 board of commissioners of any such drainage, levee, or sanitary
6 district must comply with any requests for information by the
7 board of commissioners of the flood prevention district,
8 including, but not limited to, requests for information
9 concerning past, present, and future contracts; employees of
10 the drainage, levee, or sanitary district; finances of the
11 drainage, levee, or sanitary district; and other activities of
12 the drainage, levee, or sanitary district. This information
13 must be submitted to the board of commissioners of the flood
14 prevention district within 30 days after the request is
15 received.

16 Section 80. The Metro-East Sanitary District Act of 1974 is
17 amended by changing Section 2-2 as follows:

18 (70 ILCS 2905/2-2) (from Ch. 42, par. 502-2)

19 Sec. 2-2.

20 To lay out, locate, establish and construct one or more
21 levees or embankments of such size, material and character as
22 may be required to protect the district against overflow from
23 any river, or tributary stream, or water-course, and to lay
24 out, establish and construct all such other or additional

1 improvements or works as may be auxiliary or incidental
2 thereto, or promotive of the sanitary purposes contemplated in
3 this Act; and to maintain, repair, change, enlarge and add to
4 such levees, embankments, improvements and work as may be
5 necessary or proper to meet future requirements for the
6 accomplishment of the purposes aforesaid.

7 To the extent that any part of the territory of the
8 District overlaps with a flood prevention district that is
9 formed under the Flood Prevention District Act, the flood
10 prevention district shall have the exclusive authority to
11 repair, construct, or reconstruct levees within the territory
12 of the flood prevention district. The District shall operate
13 under the direction of the board of commissioners of the flood
14 prevention district with respect to the repair, construction,
15 or reconstruction of levees within the territory of the flood
16 prevention district. In addition, the board of the District
17 must comply with any requests for information by the board of
18 commissioners of the flood prevention district, including, but
19 not limited to, requests for information concerning past,
20 present, and future contracts; employees of the District;
21 finances of the District; and other activities of the District.
22 This information must be submitted to the board of
23 commissioners of the flood prevention district within 30 days
24 after the request is received.

25 (Source: P.A. 78-1017.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".